

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS LINDSEY,

Defendant.

Case No. 2:11-cr-00217-LDG (CWH)

ORDER

The defendant has moved for release pending appeal (#176). The government opposes the motion (#177).

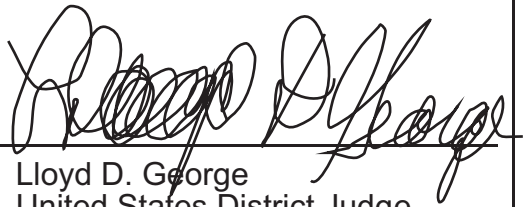
Immediately following the defendant's conviction, the Court first considered whether the defendant should be remanded to custody pending his sentencing. The Court determined that the defendant had not shown, by clear and convincing evidence, that he did not pose a danger to the safety of any other person or to community, or that he was not likely to flee. The defendant then moved the Court to reconsider its decision. The Court again carefully considered the issue and determined that the defendant had not shown, by clear and convincing evidence, that he did not pose a danger to the safety of any other person or to the community, or that he was not likely to flee. Rather, the Court noted that the defendant's testimony, as well as the evidence received at trial, precluded a

1 determination based upon clear and convincing evidence that the defendant did not pose a
2 danger to the safety of any other person or to community, or that he was not likely to flee.

3 The defendant's present motion fails to offer additional evidence not previously
4 considered by the Court that, in the context of this Court's prior determination, establishes
5 by clear and convincing evidence that the defendant does not pose a danger to the safety
6 of any other person or the community, or that he is not likely to flee. Accordingly,

7 THE COURT **ORDERS** that Defendant's Motion for Release Pending Appeal (#176)
8 is DENIED.

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10 DATED this 3 day of March, 2016.

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13 Lloyd D. George
14 United States District Judge
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